NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

Broadwhite Associates, Plaintiff, v. Mac Truong, et al., Defendants.	03-4618 (WGB) ORDER DENYING DEFENDANTS' MOTIONS TO VACATE REFERRAL AND FOR DECLARATORY JUDGMENT

This matter having come before the Court on the two separate motions of Defendants Maryse Mac-Truong and Mac Truong to vacate the Court's October 6, 2003 Order referring the action to the U.S. Bankruptcy Court, District of New Jersey and of Defendant Hugh Mac-Truong for a declaratory judgment deleting his name from the caption of this action; and

Whereas, the Court properly exercises jurisdiction over this matter pursuant to 28 U.S.C. § 1334; and

Whereas, Defendants Maryse Mac-Truong and Mac Truong have provided no sufficient basis for their assertion that this "core" bankruptcy proceeding should not be adjudicated in the Bankruptcy Court; and

Whereas, Defendant Hugh Mac-Truong's motion is meritless and is improperly before this court as his claim may only be made by the filing "of an appropriate pleading." See 28 U.S.C. § 2201; and

The Court having considered the submissions filed in support

and in opposition to the motion to vacate and the motion for a declaratory judgment, and the motions having been decided on the papers pursuant to Rule 78; and

Good cause having been shown; and

For the reasons set forth in the Court's Oral Opinion;

It is on this 12th day of January, 2006 hereby ORDERED that the motions of Defendants Maryse Mac-Truong, Mac Truong and Hugh Mac-Truong are **denied**.

/s/ William G. Bassler
WILLIAM G. BASSLER, U.S.S.D.J.